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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,380

09/30/2003

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EXAMINER

CHU, WUTCHUNG

ART UNIT

PAPER NUMBER

2619

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,380	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> WUTCHUNG CHU	<b>Art Unit</b> 2619	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is in response to application's amendment filed on 1/2/2008.  
Claims 1-31 are pending.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 11, and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Regarding claims 1, 11, and 21**, the newly added limitation " wherein each network connection on the first communication path has a corresponding network connection on the second communication path" is not disclosed by the original specification.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Doi et al. (US6970919).

**Regarding claim 1**, Doi et al. teaches a method and system for network management (**see column 2 line 21-31**) comprising:

- establishing a second communication path (**see col.15 line 37 – 65 edge 1 and edge 7 via nodes F, I, G, and J and figure 26**) that is independent of a first communication path (**see col.14 line 45 – col. 15 line 36 edge 1 and edge 7 via node A, node D and node G and node J and figure 25; this is an example/scenario disclosed by Doi, which the system has the capability of canceling of a route selection and it is inherent that just like in figures 25 and 26:**
  - first path (edge 1 – A – D – G - J – edge 7)
  - second path (edge 1 – A - F – I – G - J – edge 7)
- the system is capable of canceling route as in figure 26 where node D is canceled and rerouted the traffic through nodes F, I, and G. It is inherent for the system to reroute the path in a larger scale such that first and second path would be independent to each other based on the canceling capability) that couples at least two end points via at least a first broadband network (**see figure 25 and 26**), wherein each network connection on the first communication path has a corresponding network

connection on the second communication path (**see figures 25 and 26 and col. 15 lines 37-46 which a scenario is provide where each node on the first path is connected to multiple node that allows the implementation of route cancellation and to reroute traffic through second path**); and

- transferring information that would be normally transferred over the first communication path between the at least two endpoints via the established second communication path (**see column 15 line 60-65 and figure 26 from edge 1 (1) and the edge (7) via the link (1), the node A, the link (a1), the node F, the virtual link, the node G, the link (a10), the node J, and the link (j))**)

**Regarding claim 2**, Doi et al. teaches further comprising provisioning the established second communication path for handling communication functions (**see column 4 line 29-34**).

**Regarding claim 3**, Doi et al. teaches provisioned communication functions further comprises at least one of operations administration maintenance and provisioning (OAM&P), roaming, user authentication (**see column 12 line 44-49**), media transfer(**see column 4 line 29-34**), caching, storage management (**see column 4 line 5**) and addressing management (**see column line 24-33**).

**Regarding claim 4**, Doi et al. teaches further comprising temporarily storing the information during the transferring of the information between the at least two endpoints via the established second communication path **(see column 4 line 24-28)**.

**Regarding claim 5**, Doi et al. teaches the first communication path is a physical communication path **(see column 15 line 13-18 and figure 25)**.

**Regarding claim 6**, Doi et al. teaches the second communication path is a logical communication path path **(see column 15 line 60-65 and figure 26 from edge 1 (1) and the edge (7) via the link (1), the node A, the link (a1), the node F, the virtual link, the node G, the link (a10), the node J, and the link (j))**.

**Regarding claim 7**, Doi et al. teaches the second communication path is at least one of a circuit switched connection and a packet switched connection **(see column 4 line 66 PBX switches connected via ATM switches)**.

**Regarding claim 8**, Doi et al. teaches the at least two endpoints comprises a first source endpoint and at least a first destination endpoint **(see figure 25 edge 1 and edge 7 and column 15 line 1-36)**.

**Regarding claim 9**, Doi et al. teaches the at least two endpoints is at least one of media processing systems, media peripherals **(see column 5 line 3)**, personal computers, third (3<sup>rd</sup>) party media providers **(see column 4 line 5-6 and figure 1 box 3-1, 3-2, and 3-3)**, third (3<sup>rd</sup>) party storage vendors **(see figure 1 box 2)** and channel information servers **(see figure 2 box 13 VOD service)**.

**Regarding claim 10**, Doi et al. teaches the second and the first communication path comprises at least one of a wired (**see column 4 line 17 links**) and a wireless communication link.

**Regarding claims 11-20**, Doi et al. teaches service-management server (**see column 5 line 11 and figure 4 box 1 it is inherent that server is executed by a set of instruction; and column 13 line 10-22 and 53-67 and column 14 line 4-13 teaches cross-connection definition and service definition file**) and disclose all the limitations as discussed in the rejection of claims 1-10 and are therefore apparatus claims 11-20 are rejected using the same rationales.

**Regarding claims 21-31**, Doi et al. teaches service-management server (**see column 5 line 11 and figure 4 box 1 it is inherent that server includes processor; and peripheral computer see figure 13 box 75-77 to include processor**) and disclose all the limitations as discussed in the rejection of claims 1-10 and are therefore apparatus claims 21-31 are rejected using the same rationales.

### ***Response to Arguments***

6. Applicant's arguments filed 1/2/2008 have been fully considered but they are not persuasive.

**With regard to applicant's remark for claims 1, 11, and 21 (page 10)**, applicant submits that Doi does not disclose or suggest at least the limitation of "establishing a second communication path that couples at least two end points via at least a first broadband network, wherein each network connection on the first

communication path has a corresponding network connection on the second communication path.”

Doi teaches communication path between two end points (see figure 25) and where each node on first path connected to multiple nodes which allows the implementation of route cancellation and second path. Doi illustrates a smaller scale of route cancellation, where:

- first path (edge 1 – A – D – G - J – edge 7)
- second path (edge 1 – A - F – I – G - J – edge 7)

the system is capable of canceling route as in figure 26 where node D is canceled and rerouted the traffic through nodes F, I, and G. It is inherent for the system to reroute the path in a larger scale such that first and second path would be independent to each other based on the canceling capability. Therefore, it meets that first and second path are independent to each other and rejection respectfully remains.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishibashi et al. (US2003/0147352).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WUTCHUNG CHU whose telephone number is (571)270-1411. The examiner can normally be reached on Monday - Friday 1000 - 1500EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571 272 7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WC/  
Wutchung Chu

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2619